UNITED STATES PATENT AND TRADEMARK OFFICE

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10/662,324	09/16/2003	Tetsuya Kanekon	030192A	9165

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EXAMINER
LOFTUS, ANN E

ART UNIT	PAPER NUMBER
3692	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 December 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,6-11,14,15 and 17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,6-11,14,15 and 17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Status of the Claims

1.   This action is in response to an amendment filed on 12/18/08. Claims 1-3, 6-11, 14, 15, and 17 are pending. Claims 4, 5, 12, 13, and 16 are cancelled.

Priority

2.   This application was filed 9/16/03. Its oath claims foreign priority from Japanese Patent 2002-275073 dated 9/20/02. A certified copy and a translation are now present in the record.

Response to Arguments

3.   Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. The applicant argues that the newly amended feature of releasing a lock is not previously addressed. It is timely addressed below.

The applicant's reply notes that a parking meter can be a billing system, which then means that the address of the billing system can be the physical location of the meter as well as a network address such as an IP address for the system. Admasu teaches retrieving such physical address information in paragraph 15 page 2, but in the interest of compact prosecution, Andersen remains in the rejection as teaching the latter kind of address.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

5.   Claims 1-3, 6-11, 14, 15, and 17 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention.

Claims 1, 2, 6, 8, 9, 14, 15, and 17 recite transmitting a lock release request for

releasing a lock of the system with the retrieved address information to the system. First

it is unclear whether this refers to releasing a lock with address information or just

transmitting the address information with the rest. Second, it is unclear how the final

words "to the system" are applied to the thought. Is it transmitting to the system? Is it

releasing a lock to the system? Is it the address information to the system, meaning the

system address?

The remaining claims listed are rejected as inheriting the problems cited.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over US

20020032601 filed 4/25/01 by Admasu et al, in view of US Patent 5974453 filed 10/8/97

by Andersen et al. in view of US Patent 5,829,285 filed 5/22/97 by Wilson.

As to claim 1, Admasu teaches in paragraphs 14 and 15 page 2 a server and a

processing device. Admasu teaches in claim 7 and paragraph 29 page 3 a storage unit

storing identification information and address information of a system of billing a user for

an amount. Admasu teaches in paragraph 15 page 2 billing a user for an amount based

on a predetermined total length of time.

Admasu teaches in paragraphs 14 and 15, page 2, performing a communicating

process through a network with a user device and the system. Admasu does not use

the terms charge information nor use information, but clearly indicates sending

information that would be in these categories.

As to charge and use information, Admasu teaches in paragraph 35 page 3 and

paragraph 38 on pages 3 and 4 obtaining information requested by the user from the

system. In the case of parking, the examiner does not find a patentably distinguishable

difference between use information, charge information, and the information cited by

Admasu: Amount of payment, time units purchased, time of expiration, and a list of

occupied spaces. It would have been obvious to a person of ordinary skill in the art to

recombine these elements and present them as charge information or use information;

the difference is a minor issue of format, so they are obvious variants. Thus it would

have been obvious for a person of ordinary skill in the art at the time of the invention to

modify Admasu to explicitly state obtaining charge information or use information

requested by the user from the system retrieved by the retrieving process unit. Let this

argument be hereafter called "charge/use."

Admasu teaches retrieving the address information of the system corresponding

to identification received from the user device, from the storage unit in paragraph 29

page 3. Admasu does not explicitly teach retrieving network address information.

Andersen teaches in col 2 lines 25-50 retrieving network address information. It would

have been obvious to a person of ordinary skill in the art at the time of the invention to

modify Admasu to add retrieving the system corresponding to identifying information

received from the user device from a storage unit according to a request in order to take

advantage of standardized readily available and proven reliable technology of DNS

(domain name service) technology and tools. Let this argument be hereafter called

"DNS."

Admasu teaches in paragraph 35 page 3 obtaining billing charge information

requested by the user from the system with the address information retrieved by the

retrieving process unit.

Admasu teaches in paragraph 35 page 3 transmitting the billing charge

information to the user device.

Admasu teaches in paragraph 39 page 4 performing a payment according to a

request for payment from the user device.

Admasu does not teach transmitting a lock release request for releasing a lock

of the system with the retrieved address information to the system. Wilson teaches in

col 4 line 66 to col 5 line 15 transmitting a lock release request for releasing a lock of

the system with the retrieved address information to the system. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Admasu to add transmitting a lock release request for releasing a lock of the system with the retrieved address information to the system in order to allow people to retrieve their vehicles upon payment.

8.   Claims 2, 3, 6-11, 14, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admasu et al, in view of Andersen et al. in view of Wilson as applied above, and further in view of US Patent Application 2002/0147673 filed 1/31/01 by Allen.

As to claims 2, 6, 8, 9, 14, 15 and 17, Admasu teaches in paragraphs 14 and 15 page 2 a server and a processing device. Admasu teaches in claim 7 and paragraph 29 page 3 a storage unit storing identification information and address information of a system of billing a user for an amount. Admasu teaches in paragraph 15 page 2 billing a user for an amount based on a predetermined total length of time.

As to claims 2, 8, 9, 14, 15 and 17, Admasu teaches in paragraphs 14 and 15 page 2 performing a communicating process through a network with a user device and the system.

As to claims 2, 6, 8, 9, 14, and 17, Admasu in view of Andersen teaches retrieving the address information of the system corresponding to identification received from the user device, from the storage unit as above under DNS.

As to claims 2, 6, 8, 9, 14, 15, and 17, Admasu teaches obtaining current use information relating to a use of the system with the address information retrieved by the retrieving processing unit as above under charge/use.

As to claims 2, 6, 8, 9, 14, 15 and 17, Admasu teaches a registration phase in which notification information such as contact information (paragraph 26 page 2) is received into the system. Admasu does not teach receiving notification timing information relating to a timing of notifying the user device of the current use information. Allen teaches in paragraph 25 page 3 request for timing preferences for notifications through user devices. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Admasu to add receiving notification timing information relating to a timing of notifying the user device of the current use information in order to allow the user to set contact preferences and avoid annoying the user with undesired contacts.

As to claims 2, 6, 8, 9, 15 and 17, Admasu teaches in paragraph 35 page 3 transmitting the obtained use information to the user device according to the notification timing information received from the user device.

As to claims 2, 6, 8, 9, 14, 15, and 17, Admasu does not teach transmitting a lock release request for releasing a lock of the system with the retrieved address information to the system. Wilson teaches in col 4 line 66 to col 5 line 15 transmitting a lock release request for releasing a lock of the system with the retrieved address information to the system. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Admasu to add transmitting a lock release request for releasing

a lock of the system with the retrieved address information to the system in order to allow people to retrieve their vehicles upon payment.

As to claims 14 and 15, Admasu teaches in paragraph 39 page 4 performing a payment according to a request for payment from the user device.

As to claims 8, and 17, Admasu teaches in paragraph 39 page 4 performing a payment by communicating with the system of billing a user for up to a predetermined total time. Admasu teaches obtaining charge information from the system through the network as above under "charge/use."

As to claim 6, Admasu teaches in paragraph 42 page 4 receiving identification information of a system of billing a user for an amount, the amount based on a predetermined total length of time, and user information from a user device.

As to claim 15, Admasu teaches obtaining use information about a user who uses a system of billing a user for an amount, the amount based on a predetermined total length of time as above under "charge/use". Admasu does not address, but Allen paragraph 25 page 3 teaches as above, determining a transmission timing of a message according to the obtained use information, and transmitting the message to the user device through the network with the transmission timing. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Admasu to add determining a transmission timing of a message according to the obtained use information, and transmitting the message to the user device through the network with the transmission timing in order to make the contacts as useful to the user as possible.

As to claim 3 (dependent on 2), Admasu teaches in paragraph 27 pages 2 and 3 the payment is made in a pre-payment system for a predetermined time. Admasu teaches in paragraph 46 page 4 a message is transmitted to the user device at any time before the predetermined time elapses.

As to claims 7, 10 and 11, Admasu teaches in the abstract the system of billing a user by a predetermined time is a parking meter, and the charge is a parking charge for use of the parking meter.

Conclusion

9.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10.   While portions of interest have been indicated, all references should be considered for the entirety of their teachings.

11.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ann Loftus whose telephone number is 571-272-7342. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AL

/Susanna M. Diaz/

Primary Examiner, Art Unit 3692